

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the remarks made herein.

Claims 12-23 are pending and stand rejected.

The Office Action, in the Office Action Summary sheet, indicates that the drawings filed on 24 April 2001 are objected to. However, the Office Action fails to state the reason for the objection.

Applicant respectfully requests that the objection to the drawings be held in abeyance until the final resolution of the instant invention.

Claims 12-23 stand rejected under 35 USC 102(e) as being anticipated by Kawano (USP no. 5,774,797), which is the same reason recited in rejecting the claims in the prior Office Action. The instant Office Action further states, in response to applicant's arguments presented in response to the rejection of the claims in the prior Office Action, that "Kawano discloses a transmitter of a communication device, ... wherein the transmission power at the PA will change in dependence upon the transmission signal at different level [sic] of temperature (see figs. 16-18) ... wherein Kawano further discloses a DC/DC converter used for varying the power of the power amplifier in dependence of the frequency value (fig. 7, abstract, col. 11, lines 5-27, col. 156 [sic], lines 52 to col. 16, line 39)."

Applicant continues to respectfully disagree with the reason for rejecting the claims. More specifically, applicant submits that Kawano teaches a portable telephone system that includes a supply voltage monitoring means for detecting a supply voltage of

a power supply and a control-voltage setting table that stores a plurality of commands to set a control-voltage of a power amplifier module. A control voltage control means controls a control-voltage of the power amplifier module according to the command selected by control-voltage selecting means to reduce the supply voltage when the supply voltage is too high. This results in reduction of a current flow in the power amplifier module to avoid overheating the power amplifier (see Abstract). Kawano further discloses that the system power supply comprises a supply voltage monitor and a temperature monitor (see col. 6, lines 35-36). Furthermore, "the supply voltage monitor issues a gate voltage setting command and a transmission power setting command which are both associated with a supply voltage. ... the temperature monitor issues another set of gate voltage setting command and transmission power setting command, which are both associated with the internal temperature [of the device]. ... the final gate voltage setting command will be calculated from the two gate voltage setting commands (i.e., one is supply-associated and the other is temperature-associated) and sent to a variable negative-voltage generator." (see col. 6, lines 43-61). Kawano discloses in Fig. 7, which is referred to in the Office Action, a variable voltage generator 122 that controls a DC/DC converter. The input to the variable voltage generator is associated with the two gate voltage settings.

Contrary to the statements made in the instant Office Action, Kawano is silent with regard to adjusting the power output in dependency upon the transmission frequency as is recited in the claims. Rather Kawano teaches monitoring the supply voltage and the internal temperature to adjust the transmission power to reduce the supply voltage to prevent to high supply voltage and/or reduce the internal temperature of the device.

It is well recognized that to constitute a rejection pursuant to 35 USC §102, i.e., anticipation, all material elements recited in a claim must be found in one unit of prior art.

Kawano cannot be said to anticipate the present invention, because Kawano fails to disclose each and every element recited. As shown, Kawano fails to determine a "control input value of which is exclusively controlled in dependence of said frequency value," as is recited in the claims.

At least for this reason, applicant submits that the rejection of the claim has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

The instant Office Action further refers to Hirschfield (USP no. 5,826,170) for teaching a DC/DC converter for varying the power of a PA according to the frequency value. (col. 5, lines 5-27).

However, a reading of this section fails to reveal where Hirschfield discloses adjusting the power output in dependency upon the output frequency value.

Neither Kawano nor Hirschfield disclose a varying the power output based on the transmission frequency value, thus, applicant can only assume that the Office Action is referring to the frequency of the DC/DC converter that is used in the conversion process. However, if this is correct then it is respectfully submitted that the frequency of the conversion is not the same as the frequency value recited in the claims, as the latter is associated with the transmission frequency.

For at least the arguments presented herein, applicant believes that the cited references fail to anticipate the subject matter recited in independent claim 1.

With regard to the remaining independent claims, these claims recite subject matter similar to that recited in claim 1 and were rejected for the same reason used in rejecting claim 1. Thus, for the remarks made in response to the rejection of claim 1, which are also applicable in response of the remaining independent claims, and reasserted, as if in full, herein, applicant submits that the reason for rejecting these claims have been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard the remaining claims these claims ultimately depend from the independent claims, which have been shown to contain subject matter not disclosed by, and, hence, allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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